



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 7, 1995

Ms. Betsy Elam
Fielding, Barrett & Taylor, L.L.P.
3400 Bank One Tower
500 Throckmorton Street
Fort Worth, Texas 76102-2580

OR95-1376

Dear Ms. Elam:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 36421.

The City of Burleson received an open records request for a copy of the police report regarding a particular offense with which the requestor's client has been charged. You have released to the requestor a copy of the suspect's statement. However, you argue that sections 552.101 and 552.108 of the Government Code except from disclosure the remaining information.

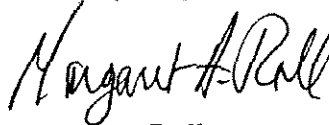
We conclude that section 552.101 of the Government Code in conjunction with the provisions succeeding section 34.08 of the Family Code except the requested information from disclosure.¹ See Act of May 25, 1995, 74th Leg., R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3888, 3924 (to be codified at section 264.201 of the Family Code). Like former section 34.08 of the Family Code, the successor to section 34.08 of the Family Code makes confidential the files used or developed in an investigation of child abuse or neglect. *Id.* (to be codified at section 264.201(a)(2) of the Family Code).

¹Because we resolve your request under section 552.101 in conjunction with the successor to section 34.08 of the Family Code, we do not address your argument that section 552.108 excepts from disclosure the requested information.

The investigation at issue here is an investigation of child abuse or neglect. *See id.* at § 86, 1995 Tex. Sess. Law Serv. 3888, 3921-22. Therefore, the successor to section 34.08 of the Family Code requires you to withhold the requested information.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Records Division

MAR/rho

Ref.: ID# 36421

Enclosures: Submitted documents

cc: Mr. Joe L. Sheppard
P.O. Box 175
Burleson, Texas 76097
(w/o enclosures)

²We note, however, that a parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect may be entitled to view the records of the investigation done by the Texas Department of Protective and Regulatory Services. *See* Act of May 25, 1995, 74th Leg., R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3888, 3924 (to be codified at section 264.201 of the Family Code); Act of April 6, 1995, 74th Leg., R.S., ch. 20, § 1, 1995 Tex. Sess. Law Serv. 113, 264 (to be codified at section 261.307 of the Family Code).